

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FERNANDO ZAMORA, *individually and on behalf of others similarly situated*, and FABIAN OCTAVIANO MARCELINO, *individually and on behalf of other similarly situated employees*,

Plaintiffs,

-against-

L PLUS L PRODUCTIONS LLC, d/b/a OFRENDAS RESTAURANT, and JORGE GUZMAN,

GEORGE B. DANIELS, United States District Judge:

For the reasons stated on the record during today’s oral argument, Defendant Guzman’s motion for summary judgment based upon a finding that he was not an “employer” under the Fair Labor Standards Act (the “FLSA”) and the New York Labor Law, and pursuant to New York Business Corporation Law § 630, (ECF No. 66), is DENIED with prejudice.

Defendants' motion for summary judgment on the issue of willfulness and timeliness under the FLSA is DENIED without prejudice.

Plaintiffs' motion for sanctions, (ECF No. 74), is DENIED without prejudice.

The Clerk of Court is directed to close the motions at ECF Nos. 66 and 74 accordingly.

Dated: New York, New York
October 27, 2020

SO ORDERED.

George B. Daniels
GEORGE B. DANIELS
United States District Judge